



UDC 34

STRENGTHENING JUDICIAL COMMISSION LIAISON IN REALIZING A CLEAN JUDICIARY

Wijaya Arif*, Sadjijono, Suhartono Slamet, Hufron

Universitas 17 Agustus 1945 Surabaya, Indonesia

*E-mail: arifwijaya@uinsby.ac.id

ABSTRACT

The Judicial Commission is a state institution that was born from demands for reform. The Judicial Commission has an important mandate from the constitution to help create a clean and dignified judiciary. The Judicial Commission is a state institution that was born during the reform era and in the exercise of its authority is free from interference or influence from other powers. The main objective of forming the Judicial Commission is to oversee the reform agenda in the field of law enforcement so that the judiciary and the supremacy of law run in accordance with reform demands, namely free from corruption, collusion and nepotism. In article 5 of the Judicial Commission Regulation No.1 of 2012, it is stated that the duties and authority of the Judicial Commission Liaison are to receive public reports regarding alleged violations of the Code of Ethics and Behavior of Judges (KEPPH), monitor trials, and socialize KEPPH and the Judicial Commission institution to the wider community. Meanwhile, regarding the organizational structure, this liaison office is run by at least 4 (four) people consisting of a coordinator and the remaining members appointed by the Judicial Commission with a term of office of 5 years and can be re-elected.

KEY WORDS

Judicial, law, nepotism.

The Judicial Commission is a state institution that was born from demands for reform. The Judicial Commission has an important mandate from the constitution to help create a clean and dignified judiciary. The Judicial Commission is a state institution that was born during the reform era and in the exercise of its authority is free from interference or influence from other powers. The main objective of forming the Judicial Commission is to oversee the reform agenda in the field of law enforcement so that the judiciary and the supremacy of law run in accordance with reform demands, namely free from corruption, collusion and nepotism (KKN).(Harahap 2016: 27)

In article 5 of the Judicial Commission Regulation No.1 of 2012, it is stated that the duties and authority of the Judicial Commission Liaison are to receive public reports regarding alleged violations of the Code of Ethics and Behavior of Judges (KEPPH), monitor trials, and socialize KEPPH and the Judicial Commission institution to the wider community. Meanwhile, regarding the organizational structure, this liaison office is run by at least 4 (four) people consisting of a coordinator and the remaining members appointed by the Judicial Commission with a term of office of 5 years and can be re-elected.(Komisi Yudisial 2012) The current Judicial Commission Liaison Design will not actually have a significant impact on the Judicial Commission's supervisory work in the regions. The role of Judicial Commission Liaison can basically be carried out by civil society as a rival to the Judicial Commission network in the regions.

In order to maintain and uphold the honor, noble dignity and behavior of Judges, the Judicial Commission has duties as regulated in Law Number 18 of 2011 concerning Judicial Commissions. In carrying out the duties as intended in Article 22A paragraph (1), one of which reads "Commission The judiciary can summon and ask for information from judges who are suspected of violating the guidelines for honor, dignity and behavior of judges for the purposes of examination." The organizational structure of the Judicial Commission must be improved not only as a regional liaison, but also as a representative office. The basis for its formation is no longer based on the Judicial Commission Regulations of the Republic of



Indonesia as regulated in article 5 of Judicial Commission Regulation Number 01 of 2017 concerning the Establishment, Structure and Liaison Work Procedures of Judicial Commissions in Regions, but must also be regulated in the 1945 Constitution and Government Regulations. This will make the supervisory function of the Judicial Commission Liaison in the regions more effective because it is supported by almost the same resources as those at the center. From this problem, several problem formulations emerged, namely the nature and existence of the Judicial Commission Liaison at the regional level as well as the revitalization of authority the Judicial Commission Liaison in the regions in realizing a clean and authoritative judiciary.

METHODS OF RESEARCH

This research is normative legal research (Mazaya & Michael, 2024).

RESULTS AND DISCUSSION

The Nature of KY Liaison in the Regions. However, in its implementation there are several challenges in upholding the principles of the rule of law and the role of Judicial Commission itself. One of them is the need for consistent law enforcement throughout the region. Sometimes, there are disparities between how the law is applied in various regions which can threaten the integrity of the principle of the rule of law itself. Therefore, the KY needs to ensure that the standards of professionalism and independence of judges are maintained consistently at all levels of the judiciary, not only at the central level but also at the regional level.

The formation of the Judicial Commission of the Republic of Indonesia (KY RI) as a result of the third amendment to the 1945 Constitution of Republic Indonesia (1945 Constitution of the Republic of Indonesia) provides direction for fundamental constitutional changes in the context of realizing credible and trustworthy judicial power. This institution is expected to be the guardian of the dignity of the judiciary whose history has been marked by deep black marks. Public trust in judicial institutions is almost at a nadir that is difficult to recover from. Public expectations for improving the quality and credibility of judicial institutions seemed to grow when the Judicial Commission was officially formed through the 1945 Constitution of the Republic of Indonesia and its duties and authority were clarified through Law Number 22 of 2004 concerning the Judicial Commission. As time went by, Law Number 22 of 2004 was amended by Law Number 18 of 2011 concerning Amendments to Law Number 22 of 2004 concerning the Judicial Commission (UU KY).

Among the striking changes based on Law Number 18 of 2011 is the adoption of the Judicial Commission Liaison. Article 3 paragraph (2) of Law Number 18 of 2011 states: "The Judicial Commission can appoint regional Liaisons according to needs." The purpose of adopting KY Liaisons in the regions is to assist the implementation of the duties of the Judicial Commission. (Republik Indonesia 2011: 18) Starting from the amendment to the KY Law which gave discretionary authority to the KY RI to form Liaisons in these areas, the KY RI then issued Judicial Commission Regulation Number 01 of 2012 concerning the Establishment, Structure and Working Procedures of Judicial Commission Liaisons. This regulation was formed, one of the basic considerations was in order to carry out the mandate of Article 3 paragraph (2) of the KY Law above. Based on this KY regulation, Liaison is defined as an assistant unit carrying out tasks in the regions formed by the Judicial Commission. (Komisi Yudisial 2012)

The establishment of the KY Liaison aims to make it easier for the public to submit reports, increase the effectiveness of trial monitoring, and institutional outreach in order to maintain and uphold the honor, dignity and behavior of judges. After the issuance of KY Regulation Number 01 of 2012 until the end of 2017, the Judicial Commission has established 12 Liaison offices located in Medan, Pekanbaru, Palembang, Semarang, Surabaya, Samarinda, Pontianak, Makassar, Manado, Kupang, Mataram and Ambon. (Sekretariat Jenderal Komisi Yudisial Republik Indonesia 2017: 27–29)



As a follow-up to the mandate of Law No. 18 of 2011 concerning amendments to Law No. 22 of 2004 concerning the Judicial Commission, the Republic of Indonesia Judicial Commission Regulation Number 01 of 2012 concerning the formation, structure and work procedures for liaison with the Indonesian Judicial Commission in the regions was established. In Article 1 Paragraph (2) it is stated that the Judicial Commission Liaison, hereinafter referred to as the liaison, is the auxiliary unit carrying out tasks in the regions established by the Judicial Commission. Meanwhile, Paragraph (3) liaison officers are acting personnel who carry out liaison duties. And Paragraph (5) the work area is the area where the liaison carries out the task. The purpose of the Judicial Commission Liaison in the regions is as in Article 2 of Republic Indonesia Judicial Commission Regulation Number 01 of 2012 concerning the formation, structure and working procedures of the RI Judicial Commission liaison in the regions as emphasized in Paragraph (2) the establishment of a Judicial Commission liaison aims to make it easier for the public to submit reports, increase the effectiveness of trial monitoring, and institutional socialization in order to maintain and uphold the honor, dignity and behavior of Judges. In paragraph (4) it is stated that the formation of a liaison is carried out based on considerations that take into account the need for handling public reports, the complexity of cases and courts, the availability of resources and networks in the region, the effectiveness and efficiency of work.

The Judicial Commission is a state institution that was born from demands for judicial reform, so its presence is expected to encourage public trust in judicial institutions. Therefore, to optimize its authority, KY will expand the presence of KY Liaisons in the regions. "KY tries to help the public to have better and faster access to KY. "The eight new KY Liaisons cover the regions of Aceh, West Sumatra, Lampung, Bali, South Kalimantan, Southeast Sulawesi, Papua and West Papua," explained KY Member as Chair of Inter-Agency Relations and Information Services, Amzulian Rifai. The addition of KY liaison in this area is in order to carry out the mandate of Law No.18/2011 concerning KY. KY can appoint KY Liaisons in the area according to needs. The selection of the eight new regions, he continued, was based on the highest number of reports received by the institution tasked with supervising judges. Apart from that, it is related to the complexity of the caseload and geographical conditions. Amzulian continued that the formation of KY and KY Liaison was to answer public distrust regarding the condition of the judiciary which was far from a sense of justice. According to him, public trust in judicial institutions is important, considering that judicial institutions are the last place people seek justice.

Effectiveness of Implementing Liaison Duties with the Judicial Commission of the Republic of Indonesia in Realizing Clean Justice. The theory of Good Judicial Governance is a very important concept in maintaining the integrity, independence and accountability of a country's judicial system. In Indonesia, the Judicial Commission (KY) has a central role in ensuring the implementation of its duties of monitoring and regulating the ethical behavior of judges. In this context, the effectiveness of implementing the KY's liaison duties in realizing clean justice is very crucial.

Apart from that, transparency and accountability are also key points in the theory of good judicial governance KY as a supervisory institution must be able to provide clear accountability to the public regarding the supervision process and sanctions for ethical violations committed by judges. In this case, the KY liaison's job is to ensure that this supervision process is carried out transparently and fairly at the regional level.

Supervision is an essential element in realizing clean government so that any state official cannot refuse to be supervised. Seeing supervision is nothing more than carrying out control which aims to prevent absolutism of power, arbitrariness and abuse of authority.(Yohanes Usfunan 2006: 207) The purpose of supervision is to find out whether supervision has been carried out according to what has been determined or not, and to find out what difficulties have been encountered by the implementers so that steps can then be taken to improve them.(Y.W. Sunindhia 1996: 103)

This law became the basis for the issuance of the Republic of Indonesia Judicial Commission regulation no. 1 of 2012 concerning the formation, structure and work procedures of the Judicial Commission liaison in the regions. In article 2 paragraph 2 it is



stated that the formation of the Judicial Commission aims to make it easier for the public to submit reports, increase the effectiveness of trial monitoring, and institutional socialization in order to maintain and uphold the honor, dignity and behavior of judges. In carrying out its duties and functions, the Liaison Judicial Commission and all Liaison Judicial Commissions in the regions are bound by a Code of Ethics based on the regulations of the Secretary General of the Indonesian Judicial Commission number 4 of 2013 concerning Code of Conduct for Receiving Public Reports, Verification, Annotation, Monitoring, Trial, Examination and Investigation. The existence of this Code of Ethics is a rule of thumb that binds all liaison officers in the regions so that liaison officers can be independent and prioritize integrity in carrying out their duties. Regarding the duties of the Judicial Commission liaison in the regions, it is regulated in article 5 of the Judicial Commission Law, namely:

- Receiving Public Reports Regarding Alleged Violations of the Code of Ethics and Code of Conduct for Judges;
- Monitoring of trials in its working area;
- Institutional socialization;
- Carry out other tasks assigned by the Judicial Commission.

Strengthening the Liaison Authority of Judicial Commissions in the Regions. In order to carry out its function and authority to uphold the honor and nobility of the dignity and behavior of judges, the Judicial Commission is given the task by the constitution to supervise the behavior of judges throughout Indonesia. In carrying out monitoring of the behavior of judges, the Judicial Commission formed auxiliary units to carry out duties in a number of regions to assist the performance of the Judicial Commission in carrying out monitoring and supervision of judges, including in East Java.

CONCLUSION

The essence of the formation of the Judicial Commission Liaison is expected to improve the performance of the Judicial Commission as a whole. The establishment of the Judicial Commission Liaison aims to make it easier for the public to submit reports, increase the effectiveness of trial monitoring, and institutional outreach in order to maintain and uphold the honor, dignity and behavior of judges. Strengthening the Judicial Commission liaison focuses on three aspects, namely related to its authority, facilities and employee resources within it.

Strengthening the authority of the Judicial Commission Liaison as an executive is very important to meet the public's need for fast handling of reports and justice with integrity. Revitalizing the authority of the Judicial Commission Liaison in the executive realm is a practice commonly carried out by the Representative the Ombudsman of Republic Indonesia (ORI). The revitalization of the authority of the Judicial Commission Liaison certainly does not intend to take over the main tasks and functions of the Indonesian Judicial Commission, but is to respond to the public's need for fast handling of reports and a judiciary with integrity.

REFERENCES

1. Adhyaksa Dault. 2012. *Menghadang Negara Gagal: Sebuah Ijtihad Politik*, Renungan Seorang Anak Bangsa (Jakarta: Renebook).
2. Anang Zubaidy. 2018. 'Desain Kelembagaan Penghubung Komisi Yudisial Di Daerah', *Jurnal Majelis*, 14.1.
3. Harahap, Maradaman. 2016. *Optimalisasi Wewenang KY Dalam Mewujudkan Hakim Berintegritas* (Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia).
4. Jimly Asshiddiqie. 2006. *Lembaga Negara Pasca Reformasi* (Jakarta: Sekretariat Jenderal Mahkamah Konstitusi RI).
5. Komisi Yudisial. 2012. *Peraturan Komisi Yudisial Nomor 01 Tahun 2012 Tentang Pembentukan, Susunan, and Tata Kerja Penghubung Komisi Yudisial Di Daerah* (Jakarta). <https://peraturan.go.id/id/peraturan-ky-no-01-tahun-2012>.



6. 2018. 'KY Gelar Rapat Konsolidasi Penghubung Komisi Yudisial Tahun 2018. https://www.komisiyudisial.go.id/frontend/news_detail/610/ky-gelar-rapat-konsolidasi-penghubung-komisi-yudisial-tahun%202018
7. Komisi Yudisial Republik Indonesia. 2011. *Membumikan Tekad Menuju Peradilan Bersih, Mencetak Hakim Bervisi Keadilan* (Jakarta: Komisi Yudisial Republik Indonesia).
8. 2013. *Urgensi Penghubung Komisi Yudisial* (Jakarta: Sekretariat Komisi Yudisial).
9. 2017. *Peraturan Komisi Yudisial Republik Indonesia Nomor 1 Tahun 2017 Tentang Pembentukan, Susunan, and Tata Kerja Penghubung Komisi Yudisial Di Daerah* (Jakarta).
10. Refki Saputra. 2017. 'Refleksi Peran Kantor Penghubung Komisi Yudisial and Partisipasi Masyarakat Dalam Pengawasan Peradilan Di Indonesia', 6 <http://mappifhui.org/wp-content/uploads/2018/02/Jurnal-Teropong-Vol-6-Juli-Desember-2017.pdf#page=23>.
11. Republik Indonesia. 2011. *Undang-Undang Nomor 8 Tahun 2011 Tentang Perubahan Atas Undang-Undang Nomor 24 Tahun 2003 Tentang Mahkamah Konstitusi* (Jakarta). <https://peraturan.bpk.go.id/Details/39183/uu-no-8-tahun-2011>.
12. Sekretariat Jenderal Komisi Yudisial Republik Indonesia. 2017. *Kiprah 12 Tahun Komisi Yudisial Republik Indonesia* (Jakarta: Sekretariat Jenderal Komisi Yudisial Republik Indonesia).
13. Sondang P. Siagian. 1985. *Filsafat Administrasi* (Jakarta: CV. Gunung Agung).
14. Winarno, Nur Basuki. 2008. *Penyalahgunaan Wewenang and Tindak Pidana Korupsi* (Yogyakarta: Laksbang mediatama).
15. Yohanes Usfunan. 2006. *Komisi Yudisial, Bunga Rampai Refleksi Satu Tahun Komisi Yudisial* (Jakarta: Komisi Yudisial).
16. Yoshua Alexander, Nurhidayatulloh Nurhidayatulloh, Agus Ngadino, and Abunawar Basyeban. 2019. 'Kedudukan Penghubung Komisi Yudisial Wilayah Sumatera Selatan Dalam Struktur Ketatanegaraan RI', *Jurnal Simbur Cahaya*, 26.1. <http://dx.doi.org/10.28946/sc.v26i1.344>.
17. Y.W. Sunindhia. 1996. *Praktek Pemerintahan Penyelenggaraan Di Daerah* (Jakarta: Rineka cipta).